

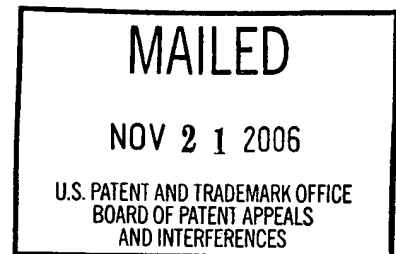
The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROY A. OSTGAARD, EDWARD J. O'CONNELL,
and MARK J. LICARI

Application 09/156,952
Technology Center 1700



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This Image File Wrapper (IFW) application was electronically received at the Board of Patent Appeals and Interferences on November 15, 2006. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

APPEAL BRIEF

Appellants filed an Appeal Brief which was received by the USPTO on September 12, 2005. The following sections are either missing or lack required content:

Summary of Claimed Subject Matter

The content provided under the section “Summary of Invention” (which should be “Summary of Claimed Subject Matter”) is not commensurate in scope with 37 C.F.R. § 41.37(c)(1)(v) because the content does not give a concise explanation of the subject matter defined in each of the independent claims involved in the appeal.

Evidence and Related Proceedings Appendices

Two required headings are not present in the Appeal Brief received by the USPTO on September 12, 2005. The headings are:

Evidence Appendix as required by 37 C.F.R. § 41.37(c)(1)(ix);
and the

Related Proceedings Appendix as required by 37 C.F.R. § 41.37(c)(1)(x).

EXAMINER’S ANSWER

The Examiner’s Answer, mailed May 23, 2006, lacks or is missing the following required content:

The heading and content “**(7) Claims**” (and, if necessary, “**Claims Appendix,**”) is missing from the Examiner’s Answer.

Also, the Examiner’s Answer fails to list the evidence relied upon in the appealed rejection of the claims under 35 U.S.C. § 103(a) under the heading “**(8) Evidence Relied Upon.**”

As outlined above, correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- (1) to instruct Appellants to provide a Supplemental Appeal Brief which fully complies with 37 C.F.R. § 41.37(c)(1)(v), (c)(1)(ix), and (c)(1)(x);

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- (2) to have said Supplemental Appeal Brief made a part of the IFW Official record;
- (3) to issue a corrected Examiner's Answer that fully complies with the *Manual of Patent Examining Procedure (MPEP)* § 1207.02(A)(7) and (A)(8); and
- (4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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